

Message Text

PAGE 01 STATE 196615

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FM SECSTATE WASHDC

TO AMEMBASSY AMMAN

AMEMBASSY RABAT

C O N F I D E N T I A L STATE 196615

E.O. 11652: GDS

TAGS: MASS, JO, MO

SUBJECT: IMPLEMENTATION OF NEW STATUTORY CONDITION OF
ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING.

1. RECENTLY ENACTED INTERNATIONAL SECURITY ASSISTANCE AND
ARMS EXPORT CONTROL ACT OF 1976 AMENDS SECTION 505(A) OF
FAA, CONCERNING CONDITIONS OF MAP ELIGIBILITY, SO AS TO
MAKE EXISTING LIMITATIONS ON USE AND TRANSFER OF USG-FURNISHE
DEFENSE ARTICLES APPLICABLE AS WELL TO QUOTE RELATED TRAIN-
ING AND OTHER DEFENSE SERVICES UNQUOTE. THIS NEW PROVISION,
EFFECTIVE JULY 1, 1976, (SEE TEXT PARA 2, BELOW) REQUIRES
THAT WE OBTAIN AGREEMENT FROM EACH RECIPIENT OF GRANT TRAIN-
ING AND OTHER DEFENSE SERVICES RELATED TO FURNISHING OF MAP
OR FMS DEFENSE ARTICLES TO EFFECT THAT RECIPIENT WILL,
INTER ALIA, USE SUCH TRAINING AND SERVICES ONLY FOR PURPOSES
FOR WHICH FURNISHED, WILL MAINTAIN SECURITY OF SUCH TRAIN-
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PAGE 02 STATE 196615

ING AND SERVICES, AND WILL NOT TRANSFER SUCH TRAINING OR
SERVICES TO THIRD PARTIES WITHOUT PRIOR USG CONSENT.

2. TEXT OF AMENDED SECTION 505(A) READS AS FOLLOWS:

QUOTE: (A) IN ADDITION TO SUCH OTHER PROVISIONS AS THE PRESIDENT MAY REQUIRE, NO DEFENSE ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE SHALL BE FURNISHED TO ANY COUNTRY ON A GRANT BASIS UNLESS IT SHALL HAVE AGREED THAT--

--- (1) IT WILL NOT, WITHOUT THE CONSENT OF THE PRESIDENT--

--- (A) PERMIT ANY USE OF SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE BY ANYONE NOT AN OFFICER, EMPLOYEE, OR AGENT OF THAT COUNTRY,

--- (B) TRANSFER, OR PERMIT ANY OFFICER, EMPLOYEE, OR AGENT OF THAT COUNTRY TO TRANSFER SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE BY GIFT, SALE, OR OTHERWISE, OR

--- (C) USE OR PERMIT THE USE OF SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE FOR PURPOSES OTHER THAN THOSE FOR WHICH FURNISHED;

--- (2) IT WILL MAINTAIN THE SECURITY OF SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE AND WILL PROVIDE SUBSTANTIALLY THE SAME DEGREE OF SECURITY PROTECTION AFFORDED TO SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE BY THE UNITED STATES GOVERNMENT;

--- (3) IT WILL, AS THE PRESIDENT MAY REQUIRE, PERMIT CONTINUOUS OBSERVATION AND REVIEW BY, AND FURNISH NECESSARY INFORMATION TO REPRESENTATIVES OF THE UNITED STATES GOVERNMENT WITH REGARD TO THE USE OF SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE; AND

--- (4) UNLESS THE PRESIDENT CONSENTS TO OTHER DISPOSITION, IT WILL RETURN TO THE UNITED STATES GOVERNMENT FOR SUCH USE OR DISPOSITION AS THE PRESIDENT CONSIDERS IN THE BEST INTERESTS OF THE UNITED STATES, SUCH ARTICLES OR RELATED TRAINING OR OTHER DEFENSE SERVICE WHICH ARE NO LONGER NEEDED FOR THE PURPOSES FOR WHICH FURNISHED. END QUOTE.

3. ADDRESSEES SHOULD NOTE FOLLOWING ABOUT THIS NEW REQUIREMENT
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PAGE 03 STATE 196615

MENT:

A. IT IS A CONDITION OF ELIGIBILITY FOR THE FURNISHING ON A GRANT BASIS OF FURTHER MAP MATERIEL AND SERVICES, OR FURTHER TRAINING RELATED TO THE USE OF MAP OR FMS ORIGIN MATERIEL OR SERVICES UNDER THE NEW INTERNATIONAL MILITARY EDUCATION AND TRAINING CHAPTER OF THE FAA. IT DOES NOT AFFECT ELIGIBILITY FOR PURCHASE OF DEFENSE ARTICLES AND DEFENSE SERVICES UNDER FMS. (A SIMILAR NEW STATUTORY REQUIREMENT FOR FMS ELIGIBILITY WILL BE IMPLEMENTED SEPARATELY THROUGH AN AMENDMENT TO THE STANDARD FORM FMS CONTRACT.)

B. IT REQUIRES AGREEMENT OF RECIPIENT TO OBSERVE ABOVE-

DESCRIBED CONDITIONS WITH RESPECT TO TRAINING OR SERVICES RELATED TO U.S. FURNISHED ARTICLES, NO MATTER WHEN SUCH ARTICLES, TRAINING, OR SERVICES WERE FURNISHED.

C. AS A CONDITION OF ELIGIBILITY, THIS NEW STATUTORY REQUIREMENT WILL PRECLUDE THE USE OF APPROPRIATED FUNDS UNTIL REQUISITE AGREEMENT IS OBTAINED FOR NEW GRANTS OF MATERIEL AND SERVICES AND NEW EQUIPMENT RELATED TRAINING STARTS FOR COUNTRIES WITH WHICH EXISTING AGREEMENTS DO NOT MEET NEW REQUIREMENT. PENDING FINAL AGREEMENT, WE CONSIDER THAT WE WILL BE ABLE TO JUSTIFY CONTINUATION OF TRAINING IN PROGRESS, INCLUDING INTRODUCTION OF NEW STUDENTS INTO ONGOING PROGRAMS. HOWEVER, OUR AUTHORITY TO PROCEED IN ABSENCE OF AN AGREEMENT IS VERY LIMITED AND IT IS IMPERATIVE THAT AGREEMENTS BE OBTAINED ASAP IN ORDER TO AVOID PROGRAM DISRUPTION AND, POSSIBLY, LOSS OF AVAILABLE FUNDS AT END OF TRANSITION QUARTER.

D. THE NEW REQUIREMENT DOES NOT PROHIBIT TRAINING WHICH IS NOT RELATED TO U.S. FURNISHED DEFENSE ARTICLES. ACCORDINGLY, OTHER FORMS OF TRAINING (E.G., ACADEMIC COURSES) WILL CONTINUE AS SCHEDULED. NEVERTHELESS, IN IMPLEMENTING THE STATUTE, WE CAN AVOID SEVERAL DIFFICULTIES AND POSSIBLE MISUNDERSTANDINGS IF WE AVOID DISTINCTION BETWEEN EQUIPMENT RELATED TRAINING AND OTHER TRAINING. ACCORDINGLY, USG WILL SEEK TO OBTAIN AGREEMENT THAT THE RECIPIENT WILL OBSERVE THE SAME CONDITIONS OF USE AND NONTRANSFER FOR TRAINING AND SERVICES GENERALLY AS HAVE HERETOFORE BEEN REQUIRED BY U.S. CONFIDENTIAL

PAGE 04 STATE 196615

LAW FOR DEFENSE ARTICLES.

4. THE NEW LEGISLATION ALSO REQUIRES THAT 30 DAYS PRIOR TO CONSENT BY THE UNITED STATES GOVERNMENT TO ANY SUCH PROPOSED TRANSFER, A REPORT BE SUBMITTED TO THE CONGRESS LISTING THE NAME OF THE COUNTRY PROPOSING TO MAKE THE TRANSFER, A DESCRIPTION OF THE DEFENSE ARTICLE OR RELATED TRAINING OR DEFENSE SERVICE AND ITS ORIGINAL ACQUISITION COST, THE NAME OF THE PROPOSED RECIPIENT, THE REASONS FOR THE PROPOSED TRANSFER, AND THE DATE ON WHICH THE TRANSFER IS PROPOSED TO BE MADE. THIS WRITTEN CERTIFICATION WILL BE UNCLASSIFIED, WITH THE POSSIBLE EXCEPTION OF THE VALUE AND NUMBER OF DEFENSE ARTICLES, OR RELATED TRAINING OR OTHER DEFENSE SERVICES.

5. EXISTING MILITARY ASSISTANCE AGREEMENTS WITH EACH OF ADDRESSEES HOST GOVERNMENTS DIFFER SOMEWHAT FROM ONE ANOTHER IN SCOPE AND FORM. IN ORDER THAT NEW ELIGIBILITY REQUIREMENT EXPLAINED ABOVE MAY BE MET AS QUICKLY AS POSSIBLE, WE HAVE PREPARED DRAFT TEXTS OF NEW EXCHANGES OF NOTES ON SUBJECT KEYED TO SPECIAL CIRCUMSTANCES OF EXISTING AGREEMENTS. EACH ADDRESSEE IS REQUESTED TO NEGOTIATE AND

CONCLUDE EXCHANGE OF NOTES WITH HOST GOVERNMENT ASAP USING TEXT PROVIDED BELOW. ANY SUBSTANTIVE CHANGES SHOULD BE REFERRED TO DEPARTMENT FOR APPROVAL PRIOR TO CONCLUDING

EXCHANGE OF NOTES. WHEN NOTES EXCHANGED SIGNED ORIGINAL OF HOST GOVERNMENT NOTE AND CERTIFIED COPY EMBASSY NOTE SHOULD BE TRANSMITTED TO DEPARTMENT (L/T) PER 11 FAM 700. PLEASE NOTIFY DEPARTMENT (PM/SAS) BY TELEGRAM AS SOON AS NOTES EXCHANGED.

6. TEXT OF NOTES AND EXPLANATIONS ARE AS FOLLOWS:

A. AGREEMENTS IN FORCE WITH ADDRESSEES' HOST GOVERNMENTS ALL EXPRESS AGREEMENT BY THE RECIPIENT TO OBSERVE RESTRICTIONS ON USE AND TRANSFER SET OUT IN SECTION 505(A) OF FAA WITH RESPECT TO EQUIPMENT, MATERIAL AND SERVICES" FURNISHED BY USG. SINCE, UNTIL ENACTMENT OF THIS YEAR'S LEGISLATION, TRAINING WAS PROVIDED AS A "DEFENSE SERVICE" UNDER MAP, WE BELIEVE CONFIDENTIAL

PAGE 05 STATE 196615

THESE EXISTING AGREEMENTS MAY BE CONSTRUED AS MEETING REQUIREMENTS OF NEW LEGISLATION. HOWEVER, IN ORDER TO GIVE EFFECT TO DESIRE OF CONGRESS THAT APPLICATION OF REQUIREMENTS TO TRAINING AND OTHER SERVICES BE EMPHASIZED, ADDRESSEES ARE REQUESTED TO SEEK CONFIRMATION THAT HOST GOVERNMENTS CONSTRUE EXISTING AGREEMENTS AS APPLICABLE TO TRAINING FURNISHED UNDER NEW FAA CHAPTER.

B. TEXT OF SUGGESTED NOTE FOLLOWS:

BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE (MINISTRY OF FOREIGN AFFAIRS) OF THE GOVERNMENT OF AND HAS THE HONOR TO REFER TO RECENTLY ENACTED PROVISIONS OF UNITED STATES LAW AFFECTING ELIGIBILITY FOR U.S. MILITARY ASSISTANCE AND TRAINING.

THE PROVISIONS OF THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976 ESTABLISH NEW STATUTORY AUTHORITY FOR MILITARY EDUCATION AND TRAINING WHICH HERETOFORE HAS BEEN FURNISHED BY THE UNITED STATES GOVERNMENT AS A DEFENSE SERVICE UNDER ITS MILITARY ASSISTANCE PROGRAM. IN ADDITION, THEY PROHIBIT THE FURNISHING OF MILITARY ASSISTANCE OR RELATED TRAINING UNLESS THE RECIPIENT COUNTRY AGREES THAT IT WILL OBSERVE THE SAME CONDITIONS REGARDING TRAINING AND SERVICES AS HAVE PREVIOUSLY BEEN REQUIRED WITH RESPECT TO DEFENSE ARTICLES. THESE CONDITIONS ARE THAT, WITHOUT THE CONSENT OF THE UNITED STATES GOVERNMENT, THE RECIPIENT COUNTRY WILL NOT PERMIT THE USE OF SUCH ARTICLES, SERVICES, OR TRAINING BY ANYONE NOT AN OFFICER, EMPLOYEE, OR AGENT OF THAT COUNTRY; THAT

IT WILL NOT TRANSFER OR PERMIT THEIR TRANSFER BY GIFT,
SALE OR OTHERWISE; THAT IT WILL NOT USE THEM OR PERMIT
THEIR USE FOR PURPOSES OTHER THAN THOSE FOR WHICH FURNISHED;

THAT IT WILL MAINTAIN THEIR SECURITY; THAT IT WILL PERMIT
CONTINUOUS OBSERVATION AND REVIEW BY UNITED STATES GOVERN-
MENT REPRESENTATIVES REGARDING THEIR USE; AND THAT, UNLESS
THE UNITED STATES GOVERNMENT CONSENTS TO OTHER DISPOSITION,
IT WILL RETURN THEM TO THE UNITED STATES GOVERNMENT WHEN
NO LONGER NEEDED.
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PAGE 06 STATE 196615

THE AGREEMENT BETWEEN THE UNITED STATES GOVERNMENT AND
THE GOVERNMENT OF DATED
CONTAINS THE REQUISITE ASSURANCES WITH RESPECT TO DEFENSE
ARTICLES AND DEFENSE SERVICES FURNISHED TO THE GOVERNMENT
OF BY THE UNITED STATES GOVERNMENT.
SINCE, AT THE TIME THAT AGREEMENT ENTERED INTO FORCE TRAIN-
ING WAS FURNISHED BY THE UNITED STATES GOVERNMENT AS A
DEFENSE SERVICE, THE UNITED STATES GOVERNMENT INTERPRETS
THE AGREEMENT AS BEING APPLICABLE TO TRAINING NOW
FURNISHED UNDER THE SEPARATE MILITARY EDUCATION AND TRAIN-
ING PROGRAM. ACCORDINGLY, IT IS THE UNDERSTANDING OF THE
UNITED STATES GOVERNMENT THAT NO FURTHER AGREEMENT IS
NECESSARY TO IMPLEMENT THE NEWLY ENACTED PROVISIONS OF
UNITED STATES LAW DESCRIBED ABOVE.

THE EMBASSY WOULD APPRECIATE THE MINISTRY'S CONFIR-
MATION THAT THE FOREGOING INTERPRETATION AND UNDERSTANDING
ALSO REPRESENT THE VIEWS OF THE GOVERNMENT OF .
(COMPLIMENTARY CLOSE), END TEXT

C. DATES OF RELEVANT AGREEMENTS ARE AS FOLLOWS:

COUNTRY	DATE	COVERAGE
A. JORDAN	JUNE 29, 1957	EQUIPMENT,
B. MOROCCO	JUNE 29, 1960	"
HABIB		

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<< END OF DOCUMENT >>

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